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6  
7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,	)	No. CR-08-00901 SBA
	)	
11 Plaintiff,	)	STIPULATED REQUEST TO CONTINUE
	)	HEARING DATE TO FEBRUARY 17,
12 v.	)	2009 AND TO EXCLUDE TIME UNDER
	)	THE SPEEDY TRIAL ACT AND ORDER
13	)	
14 FERNANDO GONZALEZ-VERGARA,	)	
	)	Date: January 30, 2009
15 Defendant.	)	Time: 9:00 a.m.
	)	
	)	

16  
17 The above-captioned matter is set on January 30, 2009 before this Court for a status  
18 hearing. The parties jointly request that this Court continue the matter to February 17, 2009 at  
19 9:00 a.m. and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§  
20 3161(H)(8)(A) and (B)(iv), between the date of this stipulation and February 17, 2009.

21 This is an illegal reentry case, and Mr. Gonzalez has not yet made his first appearance  
22 before the Court. The current status of the case is that the parties are engaged in plea  
23 negotiations and anticipate coming to an agreed-upon resolution of this case. However, the  
24 defense requires investigation and review of additional records which may be relevant to any  
25 negotiated disposition of the case. For example, defense counsel needs to obtain records of prior  
26 convictions to confirm that certain priors qualify for enhancements under the Sentencing

1 Guidelines and to confirm Mr. Gonzalez's criminal history category.

2 The requested continuance will allow the defense to complete its investigate of the  
3 underlying facts of the case, to obtain and review necessary records and for the parties to  
4 continue their plea negotiations. The failure to grant such a continuance would unreasonably  
5 deny counsel for the defendant the reasonable time necessary for effective preparation, taking  
6 into account the exercise of due diligence.

7 The parties further stipulate and agree that the time from January 30, 2009 to February  
8 17, 2009, should be excluded in accordance with the provisions of the Speedy Trial Act, 18  
9 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel.

10  
11 DATED: January 28, 2009

\_\_\_\_\_  
/S/  
CHINHAYI COLEMAN  
Assistant United States Attorney

12  
13 DATED: January 28, 2009

\_\_\_\_\_  
/S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender

14  
15 I hereby attest that I have on file all holographed signatures for any signatures indicated  
16 by a conformed signature (/s/) within this e-filed document.

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby  
FINDS:

1. The ends of justice served by the granting of the continuance from January 30, 2009 until February 17, 2009, outweigh the best interests of the public and the defendant in a speedy and public trial because additional investigation and the collection and review of records are necessary to the defense preparation of the case.

2. Given counsel's need to complete an investigation and to obtain additional records, the failure to grant the requested continuance would unreasonably deny the defendant's counsel the reasonable time necessary for effective preparation, taking into account due diligence.

Based on these findings, IT IS HEREBY ORDERED that time is excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161(H)(8)(A) and (B)(iv) from the date of this Stipulation to February 17, 2009.

IT IS FURTHER ORDERED that the STATUS date of January 30, 2009, scheduled at 9:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and reset for February 17, 2009, at 9:00 a.m.

DATED: 1/29/09

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge